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To: County Superintendents
School District Superintendents
Charter School Principals

From: Linda A. Cabatic
General Counsel

Subject: Full Time Equivalent Counts for Academic Performance Index-Linked Awards

The purpose of this memorandum is to provide information to local education agencies (LEAs) regarding the response of the California Department of Education (CDE) to requests submitted by certain LEA's in connection with Schoolsites Employees Bonus Program (Sen. Bill No. 1667; Stats. 2000, ch. 71, § 40) and the Certificated Staff Performance Incentive Act program (Assem. Bill No. 1114; Stats. 2000, ch. 52). Recently, several LEAs have sought to change data they previously certified to CDE in connection with these programs. Following review, CDE has determined that it will not accept requests to change the data certified to it on or before the February 1, 2001 deadline.

The Schoolsites Employee Bonus program and the Certificated Staff Performance Incentive Act program required that the available funds be apportioned to LEAs for distribution to qualifying schoolsites based upon full time equivalent (FTE) position counts. LEAs were required to certify FTE counts to CDE by a date certain for its use in determining the amount of money to apportion to LEAs. (Cal. Code Regs., title 5, §§ 1033, subd. (b)(5), 1034, subd. (d)(3).) By letter dated December 6, 2000, CDE wrote to LEAs informing them that the FTE counts were required to be submitted to CDE on or before February 1, 2001. Some LEAs that certified data to CDE by the February 1, 2001 deadline are now requesting that the State Board of Education waive the submission deadline in order to permit them to make changes to the certified counts. However, it is apparent that these LEAs have complied with the February 1, 2001 deadline they now seek to have waived. In our view, a request to "waive" a deadline that has already been met cannot appropriately be considered as a matter for waiver under Education Code section 33050. Accordingly, such requests will be returned to the LEA.

Under the provisions of the Schoolsite Employee Bonus Program, CDE is required to divide the total awards funds by the number of FTE certified and then apportion the funds in an equal amount per FTE to claiming LEAs for allocation to the eligible school sites. (Sen. Bill No. 1667, Stats. 2000, ch. 71, § 40, subd. (a)(3).) At the schoolsite, one-half of the funds are to be divided equally among all schoolsite employees on an FTE basis, and the other one-half may be used at the discretion of the schoolsite for any one-time purpose. (Sen. Bill No. 1667, Stats. 2000, ch. 71, § 40, subd. (a)(4).) Schoolsites may wish to consider using schoolsite discretionary funds to pay any schoolsite employees who met the FTE definitions prescribed for this program but were omitted from the LEA's certification.

Should you have any questions regarding other aspects of the award programs linked to the API, please contact Bill Padia, Policy and Evaluation Division Director, or Patrick Chladek, Awards Unit Manager, or their staff at (916) 657-3810.

cc: LEA Chief Business Officials
County Evaluation Coordinators